G. R. S. III—1] 1917

GENERAL AND REVENUE SECRETARIAT

(Mul.)

NOTES

File No. 197-19

File Heading

Legality of the levy of Bharamarga fee

From

Asst. Mysore City Mch

No. 128 Dated 10-4-20 Received 21-4-20

Diary No.	Enclos	Spare Copies	Serial No.
566			

Brief Abstract of Letter

Reports that the Bharamarga fee is levied under G.O. of Bombay no 16.

NOTES AND ORDERS

The Legislature Reforms has authorises the levy of a fee of one anna for every export pass the point for consider-

Notes—First Sheet

mune 13-18
53, 56, 58, 6462
mc 555-09

Preserve

1919

File No. 197-19
Serial Nos. 1-4

~~190~~

GENERAL AND REVENUE SECRETARIAT.

(mune)

Part A: Manuscript
B for Dec 1922

Serial Nos.

Legality of the levy of Baramiangu fees

4. To, orders passed in mune file 53-21-212/d 25/11/22

G.R.S. 12/12/22

B. S. III-2]

al and Revenue Department, Secretariat. File No 197 of 1919

Serial No.

ation is whether the municipal committee can frame such a by-law or not

28/4/20

2) The Govt. Advocate may be consulted if Govt. & Co. & the ultra vires

Rev Secy 4.5.20

3) The ref[n] of 25.3.20 of the Office, cited in the letter under disposal is necessary, and should be put up —

17.5.20

4) MR 13-18 of 62 is put up as desired

please see flag X

Rev Secy)

18/5/20

27/5/20

3/6/20

P.T.O

Note—Comm. sheet.

R. S III-2

General and Revenue Secretariat | File No. 17 of 1913

Serial No.	
B	5) In Municipal file of 18-18 (serials 8 and 11) in connection with the continuance of the baramarga establishment in the Seringapatam Municipality the question of the legality of the levy of baramarga fees was considered The fees are intended to pay the establishment to accompany carts conveying dutiable articles and passing through the municipal limits so that smuggling may be prevented It was held that the fees were unobjectionable so long as the Municipality was a non-regulated one and that the levy was unauthorised as Regn. it is not warranted under the Municipal Regulation.
X	6) In connection with the continuance of the baramarga establishment in Mysore City in Municipal file 13-18 the establishment was ordered to be continued but the President was ~~intimated~~ informed in accordance with the decision arrived at in the case of Seringapatam that the levy of baramarga fees is not authorised under the Municipal Regulation. The President now points out that the levy of the fees is authorised under rule 16 of the Octroi
A	bye-laws of the Municipality sanctioned in G. O. No 4102-3 Ml 555-07-4 dated 28th November 1911 The fees referred to in the bye-laws are termed export pass fees which ~~is~~ are identical with baramarga fees

Form—Contn sheet

G. R. S. III 2,

General and Revenue Secretariat

M/ File No. 177 of 1919

Serial No

The fact that the fees were being levied in the Bangalore and Mysore Cities under the bye-laws framed by the Municipal Councils and approved by Government was not noted upon and taken into consideration ~~while~~ pending ~~if it is~~ the Seringapatam case. If it is held that the levy is objectionable the bye-laws already approved in the case of the Bangalore and Mysore Cities in regard to this levy will have to be modified Before doing this the question may perhaps, be referred to the Government Advocate for opinion.

RS (Rev Secy)
1/7/20

S
2/7/20

7 There has thus been virtually a conflict of orders on the subject If the levy is irregular the old orders with regard to B'lore & Mysore will have to be revised If, on the other hand, it is regular the Seringapatam order will require revision.

8 The fees may, perhaps, be regarded as Octroi fees of the special nature of "export-pass fees", in respect of which the bye-laws framed are authorized The opinion of the Govt Adv may be taken.

sheet

2 P.T.O

W
2.7.20

Secretariat No. 1977 of 1919

Central and Provincial Secretariat

Serial No.

T1-XI 6.7.20 — This is unobjectionable. Govt. Advr. will be consulted also.

Bell 6.7.20

20 — 2473 — 11) Forwarded unobjectionable by the Govt. Advocate, with Govt. remarks, for favour of

By Order

6.7.20 — Secretary

To Rev Secy

Rev Secy 19 JUL 1920

14).

By 7 by 20

By 7 by 20

Byelaw 14 which authorises the levy of a fee of one anna for every sheet pass granted either under that rule or rule 7 does not appear to have called for special attention when the Byelaws & Rules were sanctioned by Govt in the year 1911 these byelaws were framed under the powers given by Sec 48 (K) of the Municipal Act VII of 1901 The levy cannot therefore be considered illegal unless the byelaw authorising it is deemed to be ultra vires. I do not think the Byelaw is ultra vires. It is not

B. S. 111-2j

General and Revenue Secretariat

Mt File No 197 of 191 9

Serial No

in Consistent with the provisions of the Regn by which the power to make the bylaws is Conferred nor is it repugnant to any other laws in force. The formalities prescribed by the Regn to Finish it validly have all been duly observed.

13) The distinction suggested in the notes in File no 18 of 1918 between the Regulation & non-regulation municipalities in regard to this levy does not, in my opinion, Exist, because such a levy was authorised & made under the Bylaws framed by the Municipal bodies & applied to regulation municipalities.

14) In the Bylaws framed under the old Municipal Regulations of the year 1871 (as amended by Regn VII of 1889) rule 14 Similar to rule 16 of the present rules authorised the levy - See Rule 14 (3) -
The language of the section in the old Municipal Regns Conferring the power to make the said rule is not in this respect different

R S III-2]

General and Revenue Secretariat | File No 197 of 191 9.

Serial No.

from the language of the Corresponding provision in the present Regn - Sec § 63(6) of the Old Regns & § 48(K) of the present Regn —

15) The Byelaws framed under the old Regns for regulating the levy & Collection of octroi duties in the Bangalore City were practically identical with the Byelaws framed by Govt in the Civil Station of Bangalore both before & after the Bangalore Municipal law of 1897 came into force there — See (a) the Rules issued by the Chief Comr before the Unification — no 390 dated 16.3.71 published at p 6 of the Mysore Gazette of the year 1871 & (11) Rule 14(2) of the Byelaws framed under the Bangalore Municipal law of 1897 Secs 137(1)(f)(g) & (h) & 137(2), which are similar in scope & operation to Sec 63(6) of our old Municipal Regns

16) The power given by Sec 48(K) of our present Municipal Regn for regulating the System of the Export of goods on which Octroi has been

NOTE—Contn sheet.

R. S. III-2]

General and Revenue Secretariat | M File No 19, of 1919

Serial No

levied is similar to the power given by Reg 63(6)(b) of our Old Regns Sec 137(9) of the Bangalore (Cranbrs) Municipal Laws of 1897.

17) Further the Export pass is in the nature of a licence granted to export out of octroi limits goods brought within such limits & on which octroi has been levied & there is the general provision in Sec 70 of the present Regn which Empowers Municipal Councils to charge fees when any licence is granted under the provisions of the Regns

I am for these reasons of opinion that the levy is authorised under the Bylaws & Rules now in force

17.7.20

P.T.O

Note—Contn sheet.

R. S. III-2]

General and Revenue Secretariat.

File No. 197 of 19

Serial No.

18) Submitted with the un-official opinion of the Govt Advocate.

19) With due deference to this opinion it is submitted that the conferring of a power to frame bye-laws cannot be construed as authorising the Municipal Council to prescribe fees for export passes from people who want to take their goods to places outside the Municipal limits,-- Without an express provision for such levy in the Regulation itself Fees are, under the regulation, expressly leviable only in the cases mentioned in sections 85 and 70 of the Regulation.

20) Again, the fact that the particular bye-law under reference is almost identical with the old bye-law or that the provision of the particular section in the present Regulation is the same as in the old Regulation cannot be a good argument for the justification of a levy not expressly authorised by the present Regulation.

21) As regards export passes being construed as partaking of the nature of licenses, it is submitted that the Regulation clearly specifies the cases in which licenses are to be taken out, or, can be prescribed by Municipal Councils (Vide Section 48 (1) (a) (x) & (f), Sections 123 and 152 of the Municipal Regulation)

Form—Contin. sheet

R. S. III-21

General and Revenue Secretariat | ml File No 197 of 1919

Serial No.

22) It is not therefore clear why or how export passes can be construed as partaking of the nature of licenses. Removal of dutiable articles under bond does not require a license under the Municipal Regulation. The Municipal Council can tax only goods consumed within municipal limits. Every subject of the State has it is submitted the right of removing at his pleasure his goods to any place outside the municipal limits and to exercise this right no license can under the Municipal Regulation be justly prescribed. The export pass system only curtails this power only in so far as is absolutely necessary to prevent smuggling of dutiable articles into the Municipal limits and thus safeguard the finances of the Municipal Council. For these reasons the export passes cannot be justly regarded in the nature of the licenses.

23) The foregoing question are intended to cover the cost of the establishment accompanying the carts conveying dutiable articles and it is but right that the Municipal Council which benefits by this measure at the inconvenience of the owner of the goods ought to bear the charges out of their own funds, without resorting to throw the burden upon some one else.

Submitted for orders

Note—Contn. sheet

18
24/7/20

G R. S III 2]

General and Revenue Secretariat. | File No. 197 of 19

Serial No 24)

On careful consideration, I am inclined to agree with the view taken in this office note put up above. We may take the case of a cart laden with dutiable goods passing over a provincial road which leads thro' a Municipal town. The cart has only got past it from thro' the town. The goods are not intended for consumption therein, nor is it even proposed to unload the cart there. Morally speaking there is absolutely no reason why the Mcty should levy any duty on such goods. It does not maintain even this road! (It within its limits)
Legally, this levy can be protected under Sec 70 of the act. A pass can be regarded as a license granted under the authority of the bye-laws which can be passed under Sec 48 K to meet such a case. But my view is that Sec 48 K does not authorise such a bye-law at all as the one now in question. The Section says that bye-laws can be framed "regulating the custody or storage of animals or goods declared not to be intoxi-

Note—Contn sheet

Sk. R. S III-8.

General and Revenue Secretariat.

File No. 197 of 1917

Serial No	
	Use or Consumption in this Notf" It does not say "regulating the through transit" This can only be regarded as an intentional omission It is therefore submitted that the levy is not sanctioned under the Ntf Regn.
9[24]/2.8.20	New Secy 31-7-20
	25)
728-41 3-8-20	2nd member 2-8-20
	26) Forwarded with compts for favour of perusal & opinion.
	Hon'ble member 4-8-20
	27) I agree with the view that the Levy Customs ~~expenses~~ taken in the present case and have nothing more to add. In my opinion the Levy & Bunder charges are to be sanctioned
1168/16.8.20	
	2nd member, 16/8 16(8)/20
1040-3 17-8-20	28) I agree with the above the case may be submitted to the Dewan
	29) Hon'ble Member (Legal) 15-8-20
	Dewan) Submitted. If members desires that further discussion should

DEWAN'S OFFICE
Note—Contn sheet.
Recd. on AUG 19 1920
No. 1161

76 A

R. S. III-6;

General and Revenue Secretariat.

Misc No. 97 of 1920

Serial No.

Sold, Mr [illegible] Secretary [illegible] Secretary [illegible] Secretary

No. S. III-2)

General and Revenue Secretariat. | Munl. File No. 197 of 19 19.

Serial No.

On mature consideration, I am inclined to agree with the view taken in the office note put up above. We may take the case of a cart laden with dutiable goods passing on a provincial road which leads through a municipal town. The cart has only got just to pass through the town. The goods are not intended for consumption therein, nor is it even proposed to unload the cart there. Morally speaking, there is -- absolutely no reason why the Municipality should levy any duty on such goods. It does not maintain even the road' (i e , within its limits.)

Legally, the levy can be justified under section 70 if the export pass can be regarded as a licence granted under the authority of the bye-laws which can be passed under section 48K to meet such a case. But my view is that -- section 48 k does not authorise such a bye-law at all as the one now in question. The section says that bye-laws can be framed "regulating the custody or storage of animals or goods declared not to be intended for use or consumption within the Municipality". It does not say "regulating the through transit". This can only be regarded as an intentional omission. It is therefore,

F. S. III-2;

General and Revenue Secretariat. | Munl. File No. 197 of 1919

Serial No

submitted that the levy is not authorised under the Municipal Regulation.

Intd. H.V.R. (31-7-20)

The further note may be sent to the Government Advocate for further remarks, if any.

Intd. P R (23-8-20)

34) Forwarded, with compliments, to the Government Advocate for favour of further remarks.

-8-20

By order,

For Secretary to Government,
Revenue Department
26/8/20

7.42

REV. SECT.
Rev Section
30 AUG 1920

35) There is a bye-law empowering the Municipal Council to levy the fee and the only question is whether that bye-law is warranted by the terms of the Statute or whether it is in excess of the powers conferred by the main enactment

36) I do not believe that I stated or suggested "that a power to frame bye should be construed as authorising the Municipal Council to prescribe fees for Ferry purposes" - Nor did I suggest that "the particular bye-law under reference is almost identical with the old bye-law or that the provision of a particular

Note—Contin sheet

Serial No

Section in the present Reg" is the same as in the Old regulation is a good argument for the presumption of a levy not expressly authorised by the present Reg" 37) What I meant to say & did say was that the distinction sought to be drawn in a previous file between Reg" & non-reg" Municipal Acts in regard to the levy did not exist as both the bye-laws & the Section by which it was authorised were similar in Scope & operation to the bye-laws in question & the Section of the present regulation on the authority of which it purports to have been framed

38) I believe it is permissible to state that if a similar Section in the former enactment was considered by those who had to construe execute & apply it as conferring authority to pass a bye-laws of the kind now in question a weight may be given to the interpretation put upon it and may be relied upon in construing whether a like authority is conferred by a similar provision to pass a similar—

NOTE—Contn. sheet.

Serial No

byelaw — At all Events in my view it may be done not — as is suggested by the Office as a justification in support of that is clearly wrong but as an aid and a useful aid in deciding the very question the Construction of which is in issue. In making reference to the Older Enactments I had in view the Commonly understood that "when a Legislature repeals in substance an earlier Enactment that has obtained a settled meaning or Construction, the ordinary presumption is that it intends the words to mean what they meant before".

39) whether it is right that in view of the proposed object of levying the fee in question it is the Municipality that should bear it, and whether there is any moral justification for the Municipality to levy the fee at all are all questions which are beside the point — the only question that we are concerned with is whether the byelaw is ultra vires —

G. R. S. III-2]

General and Rev Secretariat.

File 197 of 1919.

Serial No

If it is the levy is illegal, if it not the levy is legal.

27/9

40)

Subd. with pref. to para 30

30/8/20

Second Member

Legal opinion levy decides. The case may next be considered in Council of the Diwan approved

Reel 6 9 20

Diwan)

6 9 20

This may be submitted to the Diwan on his return from leave the case has been minutes upon by all the members was

Reel 8 9 20

the Case by be considered in Council

Reel 22.9.20

Ch Secy) circulate

23-9-20

DEWAN'S OFFICE
on SEP 7 1920
Reg. No. 2460
c. No. 99)

AN'S OFFICE.
on SEP 17 1920
No.

NOTE—Contn. sheet.

C. 237

17

"E" - 12

Legality of the levy of Bharamarg Fees. (Ml. 197 of 19)

OPINION OF THE COUNCIL

Ask the Regional Officer above mentioned his views about the legality of the levy of the Bharamarg fee.

CBN
3/11

Do

The Asst Secy (L & J Section) for necessary action

CBN
4/11

Draft Submd

DS
10/11/20

10/11

8756

56-20-1/91
Fwd
18/11/91

(For Disposal at a Meeting)

No C 237

1920 21

GENERAL AND REVENUE SECRETARIAT

Council Matter

SUBJECT
(Clause xii of the Schedule.)

Legality of the levy of Bharamarga fees.

CIRCULATED TO THE MEMBERS OF COUNCIL

By Order,

4th October 1920.

Chief Secretary ~~to Government~~

Extraordinary Member of Council

First Member of Council

Second Member of Council Seer

Third Member of Council

B S III-2]

19
1677

General and Revenue Secretariat | File No. | of 19

Serial No	
9	As the copy of one annexure for every application has been ordered to be substituted at once, and a copy of that order is placed in this file the said order also disposes of the general question dealt with in this file, the papers may be filed [illegible] 7.12.22

LOCAL SELF GOVT. BRANCH 1922

Yes
DCG
7/12/22

NOTE—Contn. she

No. 128
Encl: one

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL, MYSORE

Dated 15th April 19 20

FROM,

RAJASABHABHUSHANA DIWAN BAHADUR,
C. SRIKANTESVARA AIYAR, B A, B L,
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE

To,

The Hon'ble Mr. Ramaswamaiya, Esquire , B.A , B L
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department

SIR,

With reference to your letter No. R 11147 /M1 13-18-6 dated 25th March 1920 stating that the levy of Bharamarga fee at one anna per cart is not authorized under the Municipal Regulation and is therefore illegal, I have the honor to state that Rule 16 of the Octroi Bye-laws framed under Section 48 Clause (k) of the Municipal Regulation and sanctioned by Government in their Proceedin No 4102-3/M1 555-07-4 dated 28th November 1911 authorizes the levy of the said fee of one anna on every cart containing dutiable articles and passing through the City Municipal limits to other places. A copy of the said Rule is herewith forwarded for ready reference This is also the procedure followed in Bangalore Municipality

I have the honour to be,
Sir,
Your most obedient servant,

President

MRV

Copy from Rule 16 of the Octroi Bye-laws framed under Section 48 Clause (k) of the Municipal Regulation and sanctioned by Government in their Proceedings No. 4102-S/Ml.555 07-4 dated 28th November 1911.

---

16. Any person who has deposited goods in the Bonded Warehouse may break bulk or change the packing thereof on application to the Officer in charge of the Warehouse, or may, on paying full duty thereon, import such goods into the City covered by a permit or may export such goods free covered by an export pass, subject to the escort of an octroi subordinate provided that new packages covered by such pass, shall, if possible, and before they are taken from the Warehouse, be stamped by the Officer in charge so as to show that they are under Bond.

The export pass shall be in triplicate, the original being retained by the Officer in charge of the Warehouse and the duplicate and triplicate delivered. For every export pass granted under this rule or Rule 7, a fee of one anna shall be charged provided that in the case of carts a fee of one anna shall be charged for every cart.

President,

City Municipal Council

MKV.

22

G.R.S 26]

File No 64
Serial No 2

Diary No of letter replied to 7666

No K 3602
Dy 13.11.20

eneral and Revenue Secretariat
( )
, *the* 19

To
The President, Bangalore
city Mc Cl

Date of issue 13.11.20

Sir,

Signed by Mr. M. Ramazan

I am directed to
invite your attention
to bye-law no 16 of the Octroi
bye laws sanctioned
in G O no 4102-3 MM i
5 5 5-07-4 of 28-11-11
and to state that the
legality of the
levy of the export
pass of one

A

over

SUBJECT

23

per cent authorised
by the by-law is questioned
on the ground that
it is not warranted
under the Municl Regn.
I am therefore to request
you to be so good as
to lay the matter
before the Mun Cl
and submit their
views as to the
legality of the levy
in question at a
very early date.

I have etc

for Rev Secy

Memo R 5653 dy 13/11/20

Copy forwarded with compliments
to the Presdt, Nipissing City Mun Cl, with
ref to his letter no 128 of 5-4-20 with
the request that the views of the
Mun Cl as to the legality of the
levy in question may be submitted
to Govt at a very early date

P W D'Arcy

List of enclosures,

Copied by

Examined by

Foolscap 8vo GPB—20,000—20-9-10

Secy

45.25

From The President
Municipal Board
Bangalore

To The Secretary
to Government
Revenue Department
Bangalore.

Dated 15/1/21
Despatched
Received 18 JAN 1921
General No 152
No
Enclosure No two

Re Levy of export pass of one anna per cart authorised by Cochin bye

Submitting copies of the resolutions of managing committee & council dt 11.12.20 & 8.1.21 respectively & stating that the levy of the fee does not seem to be authorised by the provisions of the municipal regulations but the same being levied as per old & long standing practice as a contingent charge

225

FFICE OF THE CITY MUNICIPAL COUNCIL

Bangalore City, dated 14th January 1921.

ml. 197-19-3

From

B. K. [redacted]ACHAR, Esq.,
President, Municipal Council,
B A N G A L O R E C I T Y

To

G. Aravamudu Iyengar, Esq, B A, B L,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore

D N° 5490
19-1-21

S i r,

With reference to your letter No R 5652/ml 197-19-2 dated 10th November 1920, calling for the views of the Municipal Council regarding the legality of the levy of the export pass of one anna per cart, authorised bye-law No 16 of the Octroi bye-laws sanctioned in Government Order No 4102-3/M1535-07-4 dated 28th November 1911, I have the honor to report for the information of Government that the Managing Committee and the Municipal Council are of opinion that the levy of this fee does not seem to be authorised by the provisions of the Municipal Regulation, but that it is being levied as per old and long standing practice as a contingent charge Copies of the resolutions of the Managing Committee dated 11th December 1920 and of the Municipal Council dated 8th instant are submitted

I have the honor to be,

Sir,

Your most obedient servant,

President

PROCEEDINGS OF THE MANAGING COMMITTEE MEETING HELD ON 26 THE 11th DECEMBER 1920.

PRESENT.

The Vice President

D Veerabadra Setty, Esq ,

D Siddabasappa Setty, Esq ,

B Usman Khan Esq

C V.Narasimha Iyengar Esq

B V.Krishna Iyengar, Esq

B Chinnaswami Chetty, Esq ,

ABSENT

S. Venkatachala Iyengar Esq

M.Venkatasubbiah, Esquire

The Chief Officer, the Health Officer and the Municipal Engineer were also present

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X X

X X

1 Revenue Secretary's letter No R 5652/M1 197-19-2 dated 13th November 1920, calling for the views of the Municipal Council re the levy of one anna for the export pass per cart under bye-law No 16 of the Octroi Bye-laws

RESOLUTION - The levy of one anna on a free pass does not seem to be authorised by the provisions of the Regulation but it has been imposed as per old and long standing practice as a contingent charge

Sd/ Mohamedabbas Khan,
Vice President

" C O P Y "

President

OF AN ORDINARY GENERAL MEETING OF THE CITY MUNI

CIPAL COUNCIL, BANGALORE, HELD IN THE COUNCIL

CHAMBER ON SATURDAY THE 8th JANUARY

1921 AT 8 A.M.

P R E S E N T.

1. B.K.Garudachar, Esq., Honorary President.

2. M. Abbas Khan, Esq., Vice President.

COUNCILLORS.

1. Rolur Srinivasa Iyengar, Esq., B.A., B.L.,
2. B. Chinnaswamy Chetty, Esq.,
3. Doddabasappa Chetty, Esq.,
4. C.V.Narasimha Iyengar, Esq., B.A., B.L.,
5. P.M.Basappa, Esquire,
6. Doddabasappa Veerabhadra Chetty, Esq.,
7. B. Adeppa, Esquire,
8. B.V.Ramaswamy Chetty, Esq., B.A.,
9. M. Subbiah, Esquire, B.A.,
10. K.S. Krishna Iyer, Esq., B.A.,
11. R.Gopalaswamy Iyer, Esq.,
12. S.Venkatachala Iyengar, Esq., B.
13. M.Krishnappa, Esq., B.A., B.L.
14. S.Venkataranga Iyengar, Esq.,
15. M.Venkatasubbiah, Esq.,
16. D.K.Jnanaprium Pillay, Esq.,
17. B. Usman Khan, Esquire,
18. S.K.Narasimhiah, Esq.,
19. A.Ramachendra Rao Saheb, Esq.,
20. V.B.Srikantiah, Esquire,

ABSENT.

1. L.A. Bourwal, Esquire,
2. G.Siddaveerappa, Esquire,
3. Rev. D. A. Rees,
4. M.K.Krishnamurti Rao, Esquire,
5. P.V.Krishna Iyengar, Esquire,
6. P Subbarama Chetty, Esquire.

X X X X X

9. Revenue Secretary's letter No R 5652/M1 197-19-2 dated 13th November 1920, calling for the views of the Municipal Council re the levy of one anna for the export pass per cart under bye-law No 16, of the Octroi Bye-laws

Also opinion of the Managing Committee dated 11th December 1920 thereon

RESOLUTION - The opinion of the Managing Committee is approved

Sd/ B K Garudachar
President

" C O P Y "

President

1677-M

No. 46
Enc

OFFICE OF THE PRESIDENT,
CITY MUNICIPAL COUNCIL, MYSORE
Dated 23rd Sept. 1922

REVENUE & JUDICIAL
SELF GOVT

FROM,

RAJASABHABHUSHANA DIWAN BAHADUR,
C SRIKANTESVARA AIYAR, B A, B L,
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE

RE'D
SEP 1922

To,

T.R. Jayaram Iyer, Esqr, B.A., B.L.,
Secretary to the Government of His Highness
Maharaja of Mysore, (Revenue Department

Ml 197-19-4

SIR,

With reference to your memo No 5653/Ml 197-19-2 dated 10th November 1920 requesting to obtain the views of the Municipal Council in the matter of the legality or otherwise of the levy of an export pass fee of one anna per cart etc, I have the honour to state that as the Baramarga Establishmen has since been disbanded, the levy of the fee has ceased Copy of Council Resolution No 16 dated 9th September 1922 in the matter is enclosed

I have the honour to be,
Sir,
Your most obedient servant,

President

Proceedings of the 9th (Ordinary) meeting of the City Municipal Council, Mysore, held in the Ramaswamy Memorial Hall on Saturday the 9th September 1922 at 4 P.M.

Present.

Rajamanthrapravina Diwan Bahadur.

C. Srikantesvara Aiyar, B.A., B.L., President.

1. B. Basavaradhya, Esq., B.A., B.L., Vice-President.
2. S.P. Rajagopalachari, Esq., B.A., B.L.,
3. Mahomed Sait, Esq.,
4. K. Dhanakoticheity, Esq.,
5. Y. Virupakshiah, Esq.,
6. Khan Sahab P. Pallonji, Esq.,
7. V. Thiruvengada Mudaliar, Esq.,
8. Mahomed Jaffer Sahab, Esq.,
9. Charles Theobald, Esq.,
10. M. Madappa, Esq.,
11. E. Purushothamanandagiri Goswamy, Esq.,
12. C.M. Abdul Aziz Pasha, Esq.,
13. Srikantachar, Esq.,
14. M. Narayanaswami, Esq.,
15. Dharmaprakasa D. Bannaiah, Esq.,
16. T.S. Siddappa, Esq., L.M & S.,
17. M.L. Vasudaviah, Esq.,
18. M.K. Madhava Rao, Powar, Esq.,
19. Settappa Siddappa, Esq.,
20. Lakshmivenkatha Amble Ahniah Pandit, Esq.,
21. B. Munivenkatappa, Esq.,
22. P.S. Anantha Rao, Esq.,
23. U.L. Lingoji Rao, Esq.,
24. H. Lingaraj Urs, Esq.,

Absent.

1. Rev. L.S. Edwards, B.A.,
2. Sowcar V. Thimmiah, Esq.,
3. N. Setuaji Rao, Esq.,
4. Tippu Sultan Alli Khan, Esq.,
5. (Vacant).

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XVI. Memo No.5653/Ml.197-19-2 dated 10th November 1920 from the Secretary to Government (Revenue Department) requesting to submit the views of the Municipal Council as to the legality of the levy of the export pass of one anna per cart authorised by the Bye-law (Deferred subject)

Resolved to intimate that as the Baramarga Establishment has since been disbanded, the levy has ceased

x x x

Sd/- C Srikantesvara Aiyar
President

/ Copy /

President

ocecdings of the Government of His Highness

.he Maharaja of Mysore.

R e a d

Letter No.92-3/576 L.A.D. dated the 16th August 192[illegible] from the Comptroller bringing to thenotice of Government that in accordance with the provisions contained in Rules 163 and 164 of the - Municipal Account Manual, any person who has deposited goods in - the Bonded Warehouse of a Municipality may export the same or obtaining an export pass on payment of one anna for every free export pass and that as per proviso to rule 164 a fee of one anna is required to be charged for every cart, but in accordance with bye-law -- No.16 of the Octroi Bye-Laws of the Bangalore City Municipality -- the duty recovered is only one anna for every free export pass -- issued irrespective of the number of carts covered by the pass and requesting, that, as the rule is not clear on the point and as it affects the revenues of the Municipality, the said bye-laws of the City Municipality may be suitably amended so as to conform to the rules in Municipal Account Manual

2 Letter No 71 dated the 14th October 1921 from the President, City Municipal Council, Bangalore, stating that in the opinion of -- the Municipal Council the levy of one anna on every free pass does not seem to be authorised by the provisions of the Municipal Regulation, and that it has been imposed as per old and long standing practice as a contingent charge and adding further that the proposed amendment of the bye-laws will not be consistent with the provisions of the Municipal Regulation, it does not seem to be desirable to take up this question.

3. Correspondence ending with letter No 261 dated the October 1922 from the President of the Bangalore City Municipal Council on the subject

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O r d e r--No 3884-5 Ml.55-21-212

Dated Bangalore, the 25th November 1922

After a careful consideration of the question, Government have come to the conclusion that the levy of a fee of one

every

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every free export pass under the Octroi bye-laws of the Bangalore City Municipality is authorised under the provisions of the Mysore Municipal Regulation and they are therefore pleased to direct that the said levy of a fee be discontinued at once.

2. The President is requested to take necessary steps to amend the Octroi Bye-laws of the City Municipality in respect of bye-law No.16 referred to above.

(Sd) T. E. Jayaram Iyer
Secretary to Government,
Revenue Department.

To

The Comptroller, Mysore Government.
" President, City Municipal Council, Bangalore

TMK2.